

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM RAUCCI, Individually and as	:	CIVIL ACTION
Assignee of CRE8 Design and	:	
Development, Inc.	:	
	:	
v.	:	
	:	
THE CANDY & TOY FACTORY and PABLO	:	NO. 15-3385
FERNANDEZ ATELA	:	

ORDER

AND NOW, this second day of November, 2015, upon consideration of the defendants' Motion to Dismiss (Document No. 11), the plaintiff's response, and after oral argument, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED that:

1. Counts III (Unjust Enrichment) and V (Lanham Act) of the complaint are **DISMISSED**;
2. Count VI (Conversion) of the complaint is **DISMISSED** to the extent it seeks relief for conversion of royalty payments.

/s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.